



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,394	03/09/2001	John E. Fitzpatrick	BVOC013	7562

7590 10/22/2003  
BEVOCAL, INC  
685 CLYDE AVENUE  
MOUNTAIN VIEW,, CA 94043-2213

EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT PAPER NUMBER

2655

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/802,394

Applicant(s)

FITZPATRICK ET AL.

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claim 18 is objected to because of the following informalities: the claim is a system but it contains "logic for" which is used in a computer application. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7,12-14, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Iliff (5,660,176).

In regard to claims 1,12,17, and 18, Iliff shows a method, computer program product, and system for handling unregistered callers in a voice recognition framework comprising the logic for and steps of: determining whether a user is registered, executing a registration process if it determined that the user is not registered (Registration Process, col. 33, ln 20-60), receiving utterances from the user ("voiceprints", col. 33, ln 30-36) on a telephone, and recognizing the utterances for the purposes of providing a service to the user (medical advice, col. 33).

In regard to claims 2-7,14, and 16, Iliff shows a method and system wherein the registration process includes collecting information like gender and preferences (which

could also inherently include phone numbers, address, city, billing info, (Registration Process, col. 33, ln 25-60) and is used when providing a service (medical advice).

In regard to claim 13, Iliff shows a method and system wherein the information is entered verbally using a telephone by way of an attendant ("assistant", col. 34, ln 35-60).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iliff (5,660,176).

In regard to claims 8 and 9, Iliff shows a method wherein the preferences are related to medical information. Iliff does not specifically show that the preferences include data relating to a stock portfolio of a user or sports of interest to the user. The Examiner takes Official Notice that one of ordinary skill in the art would know that the information preferences stored could be linked to the application or system being accessed. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to include these preferences because they make the system more user-friendly.

In regard to claims 10 and 11, Iliff shows a method in which a telephone is used. Iliff does not specifically show that a computer or Internet are used. The Examiner


takes Official Notice that one of ordinary skill in the art would know that a computer and the Internet could be used. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to include these devices because they make the system more user-friendly.

In regard to claim 15, Iliff shows the method discussed above. Iliff does not specifically show that promotion information can be presented to the user during the registration process. The Examiner takes Official Notice that one of ordinary skill in the art would know that various promotional information could be presented to the user while he is on the phone ("hold commercials", "discount specials"). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to include these promotions because they make the system more productive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 703-308-6693. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
Susan McFadden  
Primary Examiner  
Art Unit 2655